

### **Amendments to the Claims:**

*This listing of claims will replace all prior versions, and listings, of claims in the application:*

1. (Currently Amended) A method comprising:

storing, by a first processing device, data of a third entity on a storage medium of the third entity;

creating an agreement between a first entity and a second entity to provide [[a]] data protection service to a third entity, wherein the first entity purchases [[a]] data protection service from the second entity for data stored on a storage medium of the third entity;

creating an insurance agreement between the first entity and the third entity, because data of the third entity was stored on a storage medium of the third entity, wherein the insurance agreement that provides that the first entity will insure the third entity for losses arising out of lost data, and that authorizes the third entity to use the data protection service provided by the second entity, wherein the third entity does not pay a premium to the first entity, beyond what the first entity would charge for providing insurance without the data protection services; and

storing, by a second processing device, ~~creating~~ an electronic backup copy of the third entity's data, as required by the data protection service agreement, on a storage medium of the second entity such that the electronic backup copy of the third entity's data stored on the storage medium of the second entity is insured against loss according to the insurance agreement agreements.

2. (Original) A method according to claim 1, wherein the insurance agreement requires the third entity to use the data protection service provided by the second entity.

3. (Original) A method according to claim 1, wherein the first entity's insurance of the third entity against losses arising of data loss is at least partially contingent upon the third entity's using predetermined services provided by the second entity.

4. (Original) A method according to claim 3, wherein the predetermined services are specified in the insurance agreement.

5. (Original) A method according to claim 1, wherein the identity of the second entity is specified in the insurance agreement.

6. (Currently Amended) A method according to claim 1, wherein the data protection service is a data backup service, and further comprising:

wherein the electronic ~~creating~~ a backup copy of the third entity's data is stored while at a location controlled by the second entity; and

generating, after a loss of the third entity's data, a further copy of the third entity's data from the backup copy.

7. (Original) A method according to claim 6, wherein the data backup service is an online data backup service.

8. (Original) A method according to claim 1, and further comprising providing compensation from the first entity to the second entity in return for the second entity's provision of data protection services to the third entity.

9. (Cancelled)

10. (Currently Amended) A loss mitigation tool for an insurer ~~that insures an insured entity~~, wherein the insurer purchases [[a]] data protection service from a second entity for use by the insured entity, the loss mitigation tool comprising:

an insurance agreement between the insurer and the insured entity created because the insured entity stored data to a storage medium of the insured entity, wherein the insurance agreement provides insurance to the insured entity for losses arising out of lost data from an electronic backup copy of the insured entity's data created and controlled by the data protection service, and includes a data protection provision under which the insured entity is allowed to use the data protection service,

wherein the insurer compensates the second entity for providing the data protection service to the insured entity, and

wherein the insured entity does not pay compensation for the provision of the data protection service beyond what the insurer would charge for insuring the insured entity against losses arising out of lost data without data protection services; and

an electronic backup copy of the insured entity's data ~~[[is]]~~ created, as required by the insurance agreement, by the data protection service on a storage medium of the second entity such that the electronic backup copy is insured against loss according to the insurance agreement ~~according to the agreements~~.

11. (Original) A loss mitigation tool according to claim 10, wherein the insurance agreement requires the insured entity to use the data protection service provided by the second entity.

12. (Original) A loss mitigation tool according to claim 10, wherein the insurance agreement makes the insured entity's recovery from the insurer for losses arising out of lost data at least partially contingent upon the insured entity's use of the predetermined data protection services provided by the second entity.

13. (Original) A loss mitigation tool according to claim 10, wherein the identity of the second entity is specified in the insurance agreement.

14. (Currently Amended) A loss mitigation tool according to claim 10, wherein the data protection service is a data backup service, and the data backup service comprises:

apparatus operable to create the ~~[[a]]~~ backup copy of the insured entity's data at a location controlled by the second entity; and

apparatus operable to generate a copy of the insured entity's data from the backup copy.

15. (Original) A loss mitigation tool according to claim 14, wherein the data backup service is an online data backup service.

16. (Cancelled)

17. (Original) A loss mitigation tool according to claim 15, wherein the insurance agreement includes a condition that the insured entity is responsible for using the data protection service if the insured entity is to recover under the insurance agreement, and wherein the insurance is not provided if the condition is not satisfied.

18-25. (Cancelled)

26. (Currently Amended) A method comprising:

storing, by a first processing device, data of an insured on a storage medium of the insured;

creating an insurance agreement between an insurer and the [[an]] insured, because the data of the insured was stored on the storage medium of the insured, wherein the insurance agreement provides that the insurer will insure the insured for losses arising out of lost data from an electronic backup copy of the insured's data stored on a storage medium of [[the]] a data protection service provider insured, and wherein the insurance agreement requires the insured to use a data protection service provided by the [[a]] data protection service provider; and

creating a data protection service agreement between the insured and the data protection service provider, wherein the data protection service agreement provides that the data protection service provider will provide a data protection service to the insured;

storing, by a second processing device, an ~~creating on~~ electronic backup copy of the insured's data by the data protection service provider, as required by the agreements, on a storage medium of the data protection service provider such that the electronic backup copy is insured against loss according to the agreements;

wherein the insurance agreement provides that the insurer will charge the insured a reduced premium for the insurance, contingent upon the insured's using the data protection service.

27. (Cancelled)

28. (Original) A method according to claim 26, wherein the identity of the data protection service provider and the nature of the data protection service are specified in the insurance agreement.

29. (Currently Amended) A method according to claim 26, wherein the data protection service is a data backup service, and further comprising:

wherein the electronic ~~creating~~ a backup copy of the insured's data is stored while at a location controlled by the data protection service provider; and

generating, after a loss of the insured's data, a further copy of the insured's data from the backup copy.

30. (Original) A method according to claim 29, wherein the data backup service is an online data backup service.

31. (Original) A method according to claim 26, wherein the insured's recovery for losses arising out of lost data is at least partially contingent upon the insured's use of the data protection service.

32. (Currently Amended) A method comprising:

storing, by a first processing device, data of an insured on a storage medium of the insured;

creating an insurance agreement between an insurer and the [[an]] insured, because the data of the insured was stored on the storage medium of the insured, wherein the insurance agreement provides that the insurer will insure the insured for losses arising out of lost data from an electronic backup copy of the insured's data stored on a storage medium of a

data protection service provider, and wherein the insurance agreement requires the insured to use a data protection service provided by the [[a]] data protection service provider;

creating a data protection service agreement between the insured and a [[the]] data protection service provider, wherein the data protection service agreement provides that the data protection service provider will provide a data protection service to the insured;

storing, by a second processing device, ~~creating~~ an electronic backup copy of the insured's data by the data protection service provider, as required by the insurance agreement, on a storage medium of the data protection service provider such that the electronic backup copy is insured against loss according to the agreements; and

creating an agreement between the insurer and the data protection service provider that provides compensation from the data protection service provider to the insurer for the insurer's requirement that the insured use the data protection service.

33. (Original) A method according to claim 32, wherein the insurance agreement requires the insured to purchase the data protection service from the data protection service provider.

34. (Original) A method according to claim 32, wherein the insured's recovery for losses arising out of lost data is at least partially contingent upon the insured's use of the data protection service.

35. (Currently Amended) A method according to claim 32, wherein the data protection service is a data backup service, and further comprising:

wherein the electronic ~~creating~~ a backup copy of the insured's data is stored at a location controlled by the data protection service provider; and

generating, after a loss of the insured's data, a further copy of the third entity's data from the backup copy.

36. (Currently Amended) A method according to claim 35, wherein the data backup service is an online data backup service.

37. (Currently Amended) A method comprising:  
storing, by a first processing device, data of a data owner on a storage medium of the data owner;

creating an agreement between a provider and the [[a]] data owner wherein the agreement includes:

a [[an]] data protection provision under which the provider agrees to provide a data protection service to the data owner, ~~[[;]]~~ and

an insurance provision under which the provider agrees to insure the data owner for losses arising out of data loss to an electronic backup copy of the data owner's data created and controlled by the data protection service by the data owner; and

storing, by a second processing device, ~~creating~~ an electronic backup copy of the data owner's data by the data protection service, as required by the agreement, on a storage medium of the data protection service such that the electronic backup copy is insured against loss according to the agreement;

wherein the data owner does not pay a premium to the provider, beyond what the provider would charge for providing insurance without the provision of the data protection services.

38. (Original) A method according to claim 37, wherein the insurance provision requires the data owner to use the data protection service.

39. (Original) A method according to claim 37, wherein the provider's insurance of the data owner against losses arising of data loss is at least partially contingent upon the data owner's using predetermined data protection services provided by the provider.

40. (Original) A method according to claim 39, wherein the predetermined services are specified in the agreement.

41. (Currently Amended) A method according to claim 37, wherein the data protection service is a data backup service, and further comprising:

wherein the electronic ~~creating~~ a backup copy of the data owner's data is stored while at a location controlled by the provider; and

generating, after a loss of the data owner's data, a further copy of the data owner's data from the backup copy.

42. (Original) A method according to claim 41, wherein the data backup service is an online data backup service.

43. (Cancelled)

44. (Currently Amended) A loss mitigation tool for an insurer that insures an insured entity, wherein the insurer provides a data protection service for use by the insured entity, the loss mitigation tool comprising:

an insurance agreement between the insurer and the insured entity, wherein the insurance agreement provides insurance to the insured entity for losses arising out of lost data from an electronic backup copy of the insured entity's data created and controlled by the data protection service, and wherein the insurance agreement includes a data protection provision under which the insured entity is allowed to use the data protection service; and

an electronic backup copy of the insured entity's data ~~[[is]]~~ created by the data protection service, as required by the insurance agreement, on a storage medium of the data protection service such that the electronic backup copy is insured against loss according to the insurance agreement,

wherein the insured entity does not pay for the provision of the data protection service beyond what the insurer would ordinarily charge for insuring the insured entity against losses arising out of lost data without the data protection service.

45. (Original) A loss mitigation tool according to claim 44, wherein the insurance agreement requires the insured entity to use the data protection service.

46. (Original) A loss mitigation tool according to claim 44, wherein the insurance agreement makes the insured entity's recovery from the insurer for losses arising out



of lost data at least partially contingent upon the insured entity's use of the predetermined data protection services.

47. (Currently Amended) A loss mitigation tool according to claim 44, wherein the data protection service is a data backup service, and the data backup service comprises:

apparatus operable to create the [[a]] backup copy of the insured entity's data at a location controlled by the insurer; and

apparatus operable to generate a copy of the insured entity's data from the backup copy.

48. (Original) A loss mitigation tool according to claim 47, wherein the data backup service is an online data backup service.

49. (Cancelled)

50. (Original) A loss mitigation tool according to claim 44, wherein the insurance agreement includes a condition that the insured entity is responsible for using the data protection service if the insured entity is to recover under the insurance agreement, and wherein the insurance is not provided if the condition is not satisfied.

51-56. (Cancelled)

57. (Previously Presented) A method according to claim 32, wherein the data protection service agreement requires a discount in the amount normally charged by the data protection service provider for providing the data protection service.